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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/971,954 | 10/04/2001 | Robert D. Glaser | 109905-136622 | 5632 |
| 25943 | 7590 | 03/29/2005 | EXAMINER | |
| SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITES 1600-1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204 | | | LIN, WEN TAI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 09/971,954 | GLASER ET AL. |
| Examiner | Art Unit | |
| Wen-Tai Lin | 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 January 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 45-60 and 62-73 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 45-60 and 62-73 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. Claims 45-60 and 62-73 are presented for examination. Claim 61 is cancelled and claims 72-73 are newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 45-57, 59-60, 63 and 65-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Moskowitz et al.[U.S. Pat. No. 5629732].
4. Moskowitz was cited in the previous office action.
5. As to claim 45, Moskowitz teaches the invention as claimed including: a method of seeking to a location within a file [col.5, lines 63-65; i.e., each movie is contained in a file] having a beginning and an end, the method comprising:
storing at least a portion of the file on a remote computing device [2a –2f, Fig.1; col.2, lines 24-43];

receiving by the remote computing device, from a client electronic device a signal indicating a seek request from a user to seek to a location within the file, the seek request including data indicative of the location sought, and the location being not limited to the beginning of the file [col.2, lines 37-43; col.17, lines 3-13; e.g., the seek request includes a elapsed time in the restart process];

determining the location within the file based upon the seek request [Fig.13; 219, Fig.21; col.17, lines 3-13]; and

transmitting from the remote computing device to the client electronic device, the file starting from the location.

6. As to claim 46, Moskowitz further teaches that the data comprises a length of rendering time [e.g., col.16, lines 28-31].

7. As to claims 47-48, Moskowitz further teaches that the length of rendering time is shorter or longer than a length of rendering time of an entire buffer of a portion of the file at the client electronic device [col.17, lines 3-13; note that this statement is true of Moskowitz because the restart time (counting from the very beginning of a movie to a restart point) can be "at virtually any point"].

8. As to claim 49, Moskowitz further teaches that the method further comprises clearing by the remote computing device, at least one buffer after the seek request

[col.8, lines 23-34; i.e., in the ping-pong buffering mechanism, the data in a buffer has to be totally outputted (i.e., cleared) before it is filled again].

9. As to claim 50, Moskowitz further teaches that the method further comprises refilling by the remote computing device, at least one buffer with at least a portion of the file as a result of said receiving the seek request [col.8, lines 23-34].

10. As to claim 51, Moskowitz further teaches that the file includes audio data to be streamed to the user [col.19, lines 62-64].

11. As to claims 52-57, 59-60, 63 and 65-73, since the features of these claims can also be found in claims 45-46 and 50-51, they are rejected for the same reasons set forth in the rejection of claims 45-46 and 50-51 above.

Claim Rejections - 35 USC § 103

12. Claims 58, 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al.(hereafter "Moskowitz")[U.S. Pat. No. 5629732], as applied to claims 45-57, 59-60, 63 and 65-73 above.

13. As to claim 58, Moskowitz does not specifically teach that the server further comprises a message queue wherein the message queue is cleared after the server receives the seek request.

However, since Moskowitz's server is responsible for receiving and responding to requests sent from a plurality of terminal users, it is obvious to one of ordinary skill in the art that Moskowitz's server could have used a message queue to temporarily hold the requests and clear the queued items that have been serviced because using a queue for unexpected events further simplifies the management of the service request from all users.

14. As to claim 62, Moskowitz teaches that the file is transmitted using network protocols, including ATM and information superhighway [i.e., Internet] (see col.4, lines 1-7). Moskowitz does not specifically teach using TCP/IP. However, TCP/IP is a well-known network protocol suitable for a wide variety of information transfers at the network and transport layers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use TCP/IP in Moskowitz's system because TCP/IP is a widely supported protocol.

15. As to claim 64, since the features of this claim can also be found in claims 55, 58 and 63, it is rejected for the same reasons set forth in the rejection of claims 55, 58 and 63 above.

16. Applicant's arguments filed on 1/31/2005 for claims 45-60 and 62-71 have been fully considered but they are not deemed to be persuasive.

Specifically, Applicant argues in the remarks that Moskowitz's teaching of the provided VCR functions does not require the seek request to be associated with data indicative of the location sought.

17. The examiner respectfully disagrees with applicant's remarks because Moskowitz clearly teaches that the seek request is associated with a elapsed time, wherein the elapse time is defined as the amount of time into the movie [see, e.g., 208 of Fig.20 and 219 of Fig.21; col.16, lines 28-31; col.17, lines 3-13]. That is, the elapsed time is being translated into memory indexing points from which the multimedia data could be streamed out of the memory.

For at least the above reason, it is submitted that the prior art of Moskowitz reads on the claims.

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and
(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

March 23, 2005


3/23/05